

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JASON WILLIAMS,

Plaintiff,

vs.

AT&T MOBILITY LLC,

Defendant.

Case No. 5:19-cv-00475-BO

SECOND JOINT STATUS UPDATE

Plaintiff, Jason Williams (“Plaintiff” or “Williams”), and Defendant, AT&T Mobility LLC (“Defendant” or “AT&T”) (together, the “Parties”), jointly and through the undersigned counsel, submit the following status update regarding discovery in this matter, pursuant to Paragraph 6 of the Court’s September 17, 2021 Order Regarding Discovery and Case Schedule [Doc. 87].

Since the Parties’ last update, submitted on October 18, 2021 [Doc. 91], the Parties have worked diligently to complete outstanding discovery and depositions. Specifically, the following has occurred:

- November 12, 2021: Plaintiff produced documents and supplemented interrogatory responses listed in ¶ 2 of the Sept. 17 Order;
- November 17, 2021: Plaintiff deposed AT&T employee Ray Hill, both as a fact witness and a company designee in the Rule 30(b)(6) deposition of AT&T;
- November 30, 2021: Plaintiff deposed AT&T employee Valerie Scheder as a company designee in the Rule 30(b)(6) deposition of AT&T.

Both Parties have identified what they each contend are deficiencies in the discovery they recently obtained. Counsel for the Parties are in the meet and confer

process in an attempt to work through those issues without the need to further involve the Court.

In addition, the parties separately state their positions on certain discovery matters below. By including these separate statements in this joint status update, each party reserves and does not waive the right to contest the positions stated by the other party below.

AT&T Further States as Follows:

Regarding the Court's October 12, 2021 Order compelling third-party Anexio's compliance with AT&T's subpoenas for documents and deposition [Doc. 88], as of December 9, 2021, Anexio has not produced the documents ordered to be produced or designated a witness to testify regarding the listed topics for examination. Anexio is currently in violation of the Court's order. AT&T's counsel has been in contact with Anexio to advise it of this violation. Anexio most recently represented to AT&T that it would produce documents to AT&T by December 7, 2021, but did not do so. Anexio also has not designated any witness(es) to testify on its behalf.

Anexio's failure to produce these materials or appear for deposition by November 12, 2021, as this Court ordered [Doc. 88], has delayed AT&T's ability to take the deposition of Plaintiff and Plaintiff's expert witness. AT&T needs the information subpoenaed from Anexio to fully and fairly conduct those depositions.

Further, the documents Plaintiff produced on November 12, 2021 have revealed information previously unknown to AT&T. Based upon that information, AT&T may need to request supplementation of Plaintiff's discovery and/or the

opportunity to depose certain third parties that were first identified in those documents, prior to AT&T conducting its depositions of Plaintiff and Plaintiff's expert.

Given these developments, AT&T is forced to request an extension of time to complete its depositions in this matter. AT&T requests an extension through January 21, 2022, for AT&T to obtain the outstanding discovery described above and prepare for and take its depositions.

Plaintiff Further States as Follows:

The testimony offered by AT&T's witnesses on November 17, 2021 and November 30, 2021 revealed information previously unknown to Plaintiff. Based upon that information, Plaintiff has requested that AT&T supplement its responses to Plaintiff's previously issued discovery, and has noticed the deposition of an additional AT&T witness. Accordingly, Plaintiff requests a similar extension to AT&T's, through January 21, 2022, for Plaintiff to obtain the outstanding discovery described above and prepare for and take his depositions.

Per the Court's Order [Doc. 87] the Parties will make themselves available for a status conference at the Court's convenience and welcome the opportunity to provide further details and answer any questions from the Court.

Respectfully submitted this the 9th day of December, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that on date set out below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This the 9th day of December, 2021.

/s/ Michael Breslin
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